

SENATE BILL 893

P1, P4, C8

0lr1812
CF HB 908

By: **Senator Garagiola**

Introduced and read first time: February 15, 2010

Assigned to: Rules

Re-referred to: Finance, February 19, 2010

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 25, 2010

CHAPTER _____

1 AN ACT concerning

2 **Maryland Clean Energy Center – Miscellaneous Provisions**

3 FOR the purpose of altering the quorum requirement for the Maryland Clean Energy
4 Center Board; altering the minimum vote required for the Board to act;
5 designating employees and officials of the Maryland Clean Energy Center as
6 State personnel under the Maryland Tort Claims Act; ~~authorizing employees~~
7 ~~and retirees of the Maryland Clean Energy Center to participate in the State~~
8 ~~Employee and Retiree Health and Welfare Benefits Program, and requiring the~~
9 ~~Maryland Clean Energy Center to pay to the State the Center's share of the cost~~
10 ~~of the Program; authorizing the Maryland Clean Energy Center to participate~~
11 ~~in the Employees' Pension System~~ subjecting the Maryland Clean Energy
12 Center to the procurement procedures relating to minority business
13 participation; and generally relating to the Maryland Clean Energy Center.

14 BY repealing and reenacting, with amendments,
15 Article – Economic Development
16 Section 10–809 and 10–814
17 Annotated Code of Maryland
18 (2008 Volume and 2009 Supplement)

19 BY repealing and reenacting, with amendments,
20 Article – State Government
21 Section 12–101(a)(2)(xii) and (xiii)
22 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (2009 Replacement Volume)

2 BY adding to

3 Article – State Government
 4 Section 12–101(a)(2)(xiv)
 5 Annotated Code of Maryland
 6 (2009 Replacement Volume)

7 ~~BY repealing and reenacting, with amendments,~~
 8 ~~Article – State Personnel and Pensions~~
 9 ~~Section 2–511 and 31–102(2)(xxii) and (xxiii)~~
 10 ~~Annotated Code of Maryland~~
 11 ~~(2009 Replacement Volume and 2009 Supplement)~~

12 ~~BY repealing and reenacting, without amendments,~~
 13 ~~Article – State Personnel and Pensions~~
 14 ~~Section 31–101(a) and (f)~~
 15 ~~Annotated Code of Maryland~~
 16 ~~(2009 Replacement Volume and 2009 Supplement)~~

17 ~~BY adding to~~
 18 ~~Article – State Personnel and Pensions~~
 19 ~~Section 31–102(2)(xxiv)~~
 20 ~~Annotated Code of Maryland~~
 21 ~~(2009 Replacement Volume and 2009 Supplement)~~

22 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
 23 MARYLAND, That the Laws of Maryland read as follows:

24 **Article – Economic Development**

25 10–809.

26 (a) The Board shall determine the times and places of its meetings.

27 (b) (1) [Six members] ~~EXCEPT AS PROVIDED IN PARAGRAPH (2) OF~~
 28 ~~THIS SUBSECTION, A~~ A MAJORITY OF THE APPOINTED AND QUALIFIED
 29 MEMBERS of the Board [are] IS a quorum.

30 (2) ~~NO LESS THAN FOUR MEMBERS OF THE BOARD SHALL~~
 31 ~~CONSTITUTE A QUORUM.~~

32 ~~(c) (1) [The] SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE~~
 33 THE Board may act with an affirmative vote of [five Board members] A MAJORITY OF
 34 THE APPOINTED AND QUALIFIED MEMBERS OF THE BOARD.

1 (xiii) Maryland Workforce Corporation; AND

2 (XIV) MARYLAND CLEAN ENERGY CENTER;

3 ~~Article State Personnel and Pensions~~

4 ~~2-511.~~

5 (a) ~~This section applies to employees of the Maryland Environmental~~
6 ~~Service, MARYLAND CLEAN ENERGY CENTER, and Northeast Maryland Waste~~
7 ~~Disposal Authority.~~

8 (b) ~~Subject to the regulations adopted under § 2-503 of this subtitle, an~~
9 ~~employee or, while receiving an allowance under the Employees' Retirement System of~~
10 ~~the State of Maryland or the Employees' Pension System of the State of Maryland, an~~
11 ~~employee's surviving spouse:~~

12 (1) ~~may enroll and participate in the health insurance or other benefit~~
13 ~~options established under the Program; and~~

14 (2) ~~except as provided in subsection (d) of this section, is subject to the~~
15 ~~same terms and conditions as those provided under § 2-507 of this subtitle.~~

16 (c) ~~While receiving an allowance under the Employees' Retirement System of~~
17 ~~the State of Maryland or the Employees' Pension System of the State of Maryland, a~~
18 ~~former employee or a former employee's surviving spouse or dependent child:~~

19 (1) ~~may enroll and participate in the health insurance benefit options~~
20 ~~established under the Program; and~~

21 (2) ~~except as provided in subsection (d) of this section, is subject to the~~
22 ~~same terms and conditions as those provided under § 2-508 of this subtitle, with the~~
23 ~~employee's service with the Maryland Environmental Service, MARYLAND CLEAN~~
24 ~~ENERGY CENTER, and Northeast Maryland Waste Disposal Authority being included~~
25 ~~as part of the employee's State service.~~

26 (d) ~~For each participant under this section, the Maryland Environmental~~
27 ~~Service, THE MARYLAND CLEAN ENERGY CENTER, and the Northeast Maryland~~
28 ~~Waste Disposal Authority or any successor agency, shall pay to the State the~~
29 ~~respective employer share of the cost of the Program based on the State subsidy~~
30 ~~allowed under this subtitle.~~

31 ~~31-101.~~

32 (a) ~~In this subtitle the following words have the meanings indicated.~~

1 (f) ~~“Employees’ system” means the Employees’ Retirement System or the~~
2 ~~Employees’ Pension System.~~

3 ~~31-102.~~

4 ~~Subject to § 22-202(b) of this article, the governmental units that are eligible to~~
5 ~~participate in the employees’ systems are:~~

6 (2) ~~the following governmental units:~~

7 ~~(xxii) subject to § 31-106.1 of this subtitle, the Maryland African~~
8 ~~American Museum Corporation; [and]~~

9 ~~(xxiii) the Garrett County Office for Children, Youth and Families;~~

10 ~~AND~~

11 ~~(xxiv) THE MARYLAND CLEAN ENERGY CENTER, AND,~~
12 ~~TO THE EXTENT AUTHORIZED BY AND IN THE MANNER PRESCRIBED BY FEDERAL~~
13 ~~LAW, EMPLOYEES HIRED THROUGH THE MARYLAND ENVIRONMENTAL SERVICE~~
14 ~~WHO ARE ASSIGNED TO THE MARYLAND CLEAN ENERGY CENTER.~~

15 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
16 October 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.